**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 585 OF 2005**

Jaikrishna D. Shinde & Ors. ...Petitioners

Versus

Dr. Manohar Waman Thakare & Anr ...Respondents

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Mr. Akhilesh S. Dubey i/b Tripathi & Co. Advocate for Petitioners

Mr. S.V. Kotwal, Advocate for Respondent No.1.

Mr. Y.S. Shinde, A.P.P. for State.

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**CORAM: SMT. V.K. TAHILRAMANI, J.**

**DATED: 8TH JUNE, 2005**

**P. C.:-**

1. Heard both sides.

2. The petitioners have prayed for quashing of Criminal Case No. 3700/2004 which is pending in the Court of learned 4th Judicial Magistrate, First Class, Thane. In the said case, process has been issued against the petitioners under Sections 341, 504, 506 r.w. 34 of I.P.C. If the process issued against the petitioners is set aside, the proceedings in respect of the petitioners would come to an end. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in

issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 8th June, 2005 passed in Criminal Application No.645 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. All contentions of both sides are left open. On the request of the learned advocate for the petitioners, stay is granted to the proceedings pending before the trial Court for a period of four weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the necessary parties.

6. Office to issue authenticated copy of this order to the parties.

7. Criminal writ petition is disposed of.

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